



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/679,623

10/05/2000

Maki Yukawa

2257-163P

8138

7590

03/21/2005

Birch Stewart Kolasch And Birch
PO Box 747
Falls Church, VA 22040-0747

EXAMINER

TRAN, KHANH C

ART UNIT

PAPER NUMBER

2631

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/679,623

Applicant(s)

YUKAWA, MAKI

Examiner

Khanh Tran

Art Unit

2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/28/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,7 and 16 is/are rejected.
- 7) ☒ Claim(s) 3-6 and 8-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06/10/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The Amendment filed on 10/28/2005 has been entered. Claims 1-16 are pending in this Office action.

Response to Arguments

2. Applicant's arguments filed on 10/28/2005 have been fully considered but they are not persuasive.

Applicant's arguments state, on page 17, that "the Office action equates the presentation data to the program signal. This is apparent from page 3 of the Office action wherein it is alleged that the TS decoder unit 122 outputs the presentation data related to the PID associated with the program control information (PCI). This TS decoder unit 122 and A/V decoder unit 123 are equated with the signal extraction".

Examiner's position is that first of all, the Office action clearly states that the TS decoder unit 122 uses the packet identifier (PID) corresponding to the video and audio written in the program map table (PMT) to extract data information. As expressly taught in Sonoda et al. invention, in column 20, lines 5-30, see also figure 20, when the reception control unit 130 judges that the PMT does not include a pre-selection control information (PCI) in step S2012, the reception control unit 130 sends to the TS decoder unit 122 the PIDs corresponding to the "video" and "audio" written in the PMT, and instructs the TS decoder unit 122 to output the presentation data related to the PIDs to the A/V decoder unit 123, see also figure 1. The A/V decoder unit 123 decodes the A/V

Art Unit: 2631

data input from the TS decoder unit 122, and outputs the decoded A/V data to the reproducing unit 124 at step S2022. In view the foregoing, the presentation data does not include the pre-selection in this case. Sonoda et al. further teaches when having received the pre-selection control information (PCI) from the reception control unit 130, the reception control unit 130 sends the PID to the TS decoder unit 122 to extract the program control information (PCI) corresponding to the PID at step S2014. According to Sonoda et al. teachings as recited above, the presentation data does or does not contain pre-selection information image. The Office action does equate the TS decoder unit 122 and A/V decoder unit 123 shown in figure 1 to the claimed signal extraction means for the following reasons. As disclosed on page 14 line 15 via column 15 line 5, of the original disclosure, Applicant discloses the DEMUX 12, on the basis of the signal extraction parameter, dismantles the packet form in the packet stream for extracting a bit stream of the image data and a bit stream of the sound data and outputting them to the image decoder 14 and sound decoder 15. In view of that, one of ordinary skill in the art would have recognized the interchangeability of the TS decoder unit 122 and A/V decoder unit 123 taught in Sonoda et al. for the corresponding elements disclosed in the specification of the instant application.

Applicant's arguments station, on page 17, that "more significant is the failure of Sonoda to disclose or suggest detecting content change in the information table. The Office action expressly admits that Sonoda does not teach this feature but nevertheless

Art Unit: 2631

concludes that detecting the presence of the PCI in the PMT corresponds to this content change detection".

Examiner's position is that the reception control unit 130 judges whether the PMT includes a PCI at step S2012. When having judges the PMT includes a PCI, the reception control unit 130 sends the packet identifier (PID) [Emphasis Added] to the TS decoder unit 122 to extract the PCI corresponding to the PID. The foregoing teachings are similar to the following portion of the original disclosure: on page 14 line 17-23, a controller serves as parameter set means for setting the program parameter described in the information table in DEMUX 12 as signal extraction parameter ... The program parameter is data including a PID for dismantling a packet form and obtaining image data, sound data ... Contrasting to Applicant's assertion, PCI taught in Sonoda et al. invention is not the changed parameter in the program map table (PMT). The foregoing reasoning also addresses Applicant's argument on page 18 that "according to the Office action, the signal extracting means (TS decoder unit 122 and A/B decoder unit 123) extracts program signal on the basis of the signal extraction parameter (PCI as alleged by the Office action)" and "at best, Sonoda judges whether the PMT includes a PCI and, if it does, extracts the PCI itself from the input data stream... It is not seen how this pre-selection information image is in any way equivalent to or suggestive of a program signal". As recited above, according to Sonoda et al. teachings as recited above, the presentation data does or does not contain pre-selection information image. The reception control unit 130 sends the packet identifier (PID) to the TS decoder unit 122 to

Art Unit: 2631

extract the PCI corresponding to the PID when having judged that the PMT includes PCI.

Regarding claim 16, claim 16 claims a method, which all the means of claim 1 can perform the steps of claim 16 method. For the same reason as recited above, claim 16 is rejected on the same ground as for claim 1.

3. For the aforementioned discussion, the rejection of claims 1-2, 7 and 16 in previous Office action is still maintained and recited below.

Claim Rejections - 35 USC § 103

Claims 1-2, 7, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sonoda et al. U.S. Patent 6,557,171 B1.

Regarding claims 1 and 16, illustrated in figure 1 is a digital broadcast receiving apparatus 102 including:

- a reception control unit 130 performing operation in accordance with the control program. In column 19 lines 54-60, the reception control unit 130 judges whether a program map table (PMT) includes a pre-selection control information (PCI). When having judges that the PMT includes a PCI, the reception control unit 130 sends the packet identifiers (PID) to a transport stream (TS) decoder unit 122. In light of the foregoing disclosure, the reception control unit 130 performs function of the

parameter set means as claimed in the pending patent application. The PMT corresponds to the claimed information table as described in the original disclosure of the pending application. The PMT is included in the digital broadcast signal;

- in column 19 line 54 to column 20 line 25, the TS decoder unit 122 uses the PID corresponding to the video and audio written in the PMT, wherein the PID is specified by the reception control unit 130. When having judged the PMT includes a PCI, the reception control unit 130 sends the PID to the TS decoder unit 122 to also extract the PCI corresponding to the PID. The TS decoder unit 122 outputs the presentation data (with or without the PCI present) related to the PIDs to the A/V decoder unit 123, which decodes the A/V data input from the TS decoder unit 122. In light of the foregoing disclosure, the combination of TS decoder unit 122 and A/V decoder unit 123 performs function of the signal extraction means as claimed in the pending patent application;

- as stated above, the reception control unit 130 judges whether a program map table (PMT) includes a pre-selection control information (PCI). Sonoda et al. does not expressly disclose the reception control unit 130 detecting content change of in the information table as claimed in the pending patent application. In column 20 lines 1-30, because the reception control unit 130 judges that the PMT includes a PCI, it would have been obvious for one of ordinary skill in the art that presence of the

PCI indicates the content change of the PMT as claimed in the pending patent application. The step of judging whether the PMT includes a PCI would correspond to the claimed detecting content change of information table. The presence or absence of the PCI would correspond to the claimed pre-determined criterion, which is claimed in claim 2 of the pending application. When judging that the PMT includes a PCI, the reception control unit 130 sends the PID to the TS decoder unit 122, and instructs it to extract the PCI corresponding to PID. The aforementioned disclosure would correspond to the claimed parameter set means detecting the content change and setting the program parameter as claimed the pending patent application.

Regarding claim 2, Sonoda et al. does not expressly disclose the reception control unit 130 monitoring the contents of the information table every pre-determined time. As disclosed in column 19 lines 31-60, with the user input, the reception control unit 130 deletes the contents of the system table storage unit 127, which stores the PMT. Then, the reception control unit 130 performs the judging to determine if the PCI is included in the PMT. In light of the foregoing disclosure, it would have been obvious for one of ordinary skill in the art that the reception control unit 130 would perform monitoring the PMT for every new user input. That step would correspond to the claimed parameter set means monitoring the contents of the information table every

Art Unit: 2631

pre-determined time. As recited in claim 1, the presence or absence of the PCI constitutes the claimed pre-determine criterion.

Regarding claim 7, figure 1 shows a broadcast route 103 between the transmitter and receiver. The received digital broadcast signal is directly received from outside.

Allowable Subject Matter

Claims 3-6 and 8-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Tran whose telephone number is 571-272-3007. The examiner can normally be reached on Monday - Friday from 08:00 AM - 05:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on 571-272-3021. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KCT

TESFADET BOOLIRE
PRIMARY EXAMINER